

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

IN THE MATTER OF:

E & K, LLC	
t/a 13th Street Market	Show Cause
3582 13th Street, NW	Hearing
Retailer B - ANC-1A	(Status)
License No. 78242	
Case #13-CMP-00405	
(Sold Go-Cups)	
Case #13-CC-00114	
(Sale to Minor, Failed to	
Take Steps Necessary to	
Ascertain Legal Drinking Age,	
No ABC Manager on Duty)	

May 7, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member
ALSO PRESENT:

LOUISE PHILLIPS, OAG

P-R-O-C-E-E-D-I-N-G-S

(9:44 a.m.)

CHAIRPERSON MILLER: Okay. Good morning, everyone. Welcome to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is May 7, 2014.

My name is Ruthanne Miller. I'm the Chairperson. And joining me to my far right is Mr. Donald Brooks. Mr. Nick Alberti is next to Mr. Brooks and next to me immediately is Mr. Hector Rodriguez. To my left will be Mr. Mike Silverstein and then Mr. James Short.

We have six Members in attendance this morning. Three constitutes a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the

1 hearing room.

2 If you have any electronic
3 devices, pagers, cell phones or such, please,
4 make certain they are turned off to avoid any
5 interruption of the proceedings.

6 When I call your case, please,
7 come forward and take a seat at the table.
8 You will notice that there is a piece of paper
9 on each table for you to sign-in. This is to
10 ensure the correct spelling of your name for
11 the record.

12 The Open Meetings Act requires
13 that the public hearing on each case be open
14 to the public. The Board may, consistent with
15 Section 405(b) of the Open Meetings Act, enter
16 a closed meeting during or after the public
17 hearing on a case to consult with an attorney
18 to obtain legal advice, discuss settlement
19 agreements or deliberate upon a decision in an
20 adjudication proceeding.

21 Okay. Those are my general
22 remarks. I'm now going to turn to this

1 morning's calendar.

2 And we have several Show Cause
3 (Status) Hearings on the calendar. The First
4 one is Case No. 13-CMP-00405, 13th Street
5 Market located at 3582 13th Street, N.W., in
6 ANC-1A.

7 Would the parties in that case,
8 please, come forward? Good morning.

9 MS. GIRMA: Good morning.

10 CHAIRPERSON MILLER: Do you want
11 to take a minute and write down your name for
12 the record, please?

13 MS. GIRMA: Okay.

14 CHAIRPERSON MILLER: And have a
15 seat.

16 MS. GIRMA: Okay.

17 MS. PHILLIPS: Louise Phillips for
18 the District of Columbia.

19 CHAIRPERSON MILLER: Good morning.

20 MS. PHILLIPS: Good morning.

21 CHAIRPERSON MILLER: Okay. Okay.

22 And could you introduce yourself for the

1 record, please?

2 MS. GIRMA: My name is Kebedsha
3 Girma and I'm from 13th Street Market.

4 CHAIRPERSON MILLER: Okay. You
5 are the owner?

6 MS. GIRMA: Yes, I am.

7 CHAIRPERSON MILLER: Okay. Did
8 you receive notice of this hearing?

9 MS. GIRMA: Yes, ma'am.

10 CHAIRPERSON MILLER: And did you
11 read it and understand it?

12 MS. GIRMA: Yes, I did.

13 CHAIRPERSON MILLER: Okay. So
14 that notice will be part of this record.

15 (Whereupon the document was marked
16 for identification as Exhibit 1
17 and was received in evidence.)

18 CHAIRPERSON MILLER: Ms. Phillips,
19 are there any preliminary matters in this
20 case?

21 MS. PHILLIPS: Yes, Madam Chair,
22 there are. The first preliminary matter will

1 be my understanding from Ms. Schmidt is that
2 the notices in these two particular cases,
3 both the first case and the second case, are
4 both 13th Street Market were reversed.

5 So if you will correct the
6 notices, this particular case has on the
7 original 13-CC-114. It should be changed to
8 405. And its Charge 1, a go-cup charge is my
9 understanding, so that we are all straight on
10 the notices.

11 CHAIRPERSON MILLER: Okay. Well,
12 if we are talking about two different cases
13 and two notices interchangeably, I want to
14 call the other case at the same time then.

15 MS. PHILLIPS: I don't know that
16 we are talking about them interchangeably.

17 CHAIRPERSON MILLER: Oh, all
18 right.

19 MS. PHILLIPS: What happened is
20 Ms. Schmidt just put the number -- the wrong
21 number on each notice.

22 CHAIRPERSON MILLER: Right.

1 MS. PHILLIPS: So --

2 CHAIRPERSON MILLER: Okay.

3 MS. PHILLIPS: -- you will have
4 114 is really 405 and 405 is really 114.

5 CHAIRPERSON MILLER: Okay. That's
6 the only --

7 MS. PHILLIPS: I think that's the
8 only --

9 MEMBER ALBERTI: So 405 is --

10 MS. PHILLIPS: A go-cups charge.

11 MEMBER ALBERTI: Is go-cup charge.
12 Okay. Great.

13 MS. PHILLIPS: That's why I said
14 the charge when I usually don't.

15 MEMBER ALBERTI: And I'm asking
16 because that's what we have on our notes here.

17 MS. PHILLIPS: Thank you.

18 MEMBER ALBERTI: Very good. Thank
19 you.

20 MS. PHILLIPS: All right. It
21 corresponds on your calendar.

22 CHAIRPERSON MILLER: Yeah, okay.

1 MS. PHILLIPS: And --

2 CHAIRPERSON MILLER: So on our
3 calendar it's correct if you have seen the
4 calendar.

5 MS. PHILLIPS: Right.

6 CHAIRPERSON MILLER: Okay.

7 MS. PHILLIPS: We have an offer in
8 compromise to present to the Board, which the
9 parties have agreed upon. It would be a fine
10 of \$350 and Ms. Girma would like 30 days to
11 pay.

12 CHAIRPERSON MILLER: Okay. So
13 this is 405, correct?

14 MS. PHILLIPS: Yes, ma'am.

15 CHAIRPERSON MILLER: Okay. Do you
16 agree to an offer in compromise of \$350
17 payable within 30 days?

18 MS. PHILLIPS: 30 days, Madam
19 Chair.

20 CHAIRPERSON MILLER: Okay.

21 MS. GIRMA: Yes, ma'am.

22 CHAIRPERSON MILLER: You do. And

1 you understand you waive your right to a
2 hearing by entering into an offer in
3 compromise?

4 MS. GIRMA: Yes.

5 CHAIRPERSON MILLER: Okay. Any
6 questions by Board Members?

7 MEMBER RODRIGUEZ: No.

8 CHAIRPERSON MILLER: All right.
9 Then I move that we approve this offer in
10 compromise of \$350 to be paid within 30 days.

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr.
13 Silverstein seconded the motion.

14 All those in favor say aye.

15 ALL: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining? The motion
18 passes 6-0-0.

19 Okay. I'm going to call your
20 second case for 13th Street Market. It's 13-
21 CC-00114.

22 Did you receive notice of this

1 notice?

2 MS. GIRMA: Yes, yes.

3 CHAIRPERSON MILLER: Okay. And
4 did you read and understand the notice?

5 MS. GIRMA: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. Then
7 that notice is part of this record.

8 (Whereupon, the document was
9 marked for identification as
10 Exhibit 1 and was received in
11 evidence.)

12 CHAIRPERSON MILLER: Are there any
13 preliminary matters in this case?

14 MS. PHILLIPS: Yes, Madam Chair.
15 And just for the record, I want to state in
16 this case also that the numbers were switched
17 and we have said previously that they have
18 been called correctly.

19 This is a three charge notice.
20 The charges are: Sale to minor, failure to
21 identify or seek identification and no ABC
22 Manager, just for the record, so you know that

1 we have got the right case before us.

2 CHAIRPERSON MILLER: Right.

3 MS. PHILLIPS: On Charge 1, my
4 understand is that this charge would be
5 dismissed. They had already received a
6 warning and Ms. Schmidt did not realize that.
7 Charge 2 should also get a warning, according
8 to the new statutory scheme. Charge 3 a fine
9 of \$350 to be paid in 30 days.

10 CHAIRPERSON MILLER: Okay. Ms.
11 Girma, I want to ask you if you are agreeable
12 to this offer in compromise, in which Charge
13 1 is dismissed as a warning was already
14 issued. And Charge 2 should just be a
15 warning. Charge 3 is a \$350 fine payable
16 within 30 days.

17 MS. GIRMA: Yes.

18 CHAIRPERSON MILLER: Yes. And you
19 understand you waive your right to a hearing?

20 MS. GIRMA: Yes.

21 CHAIRPERSON MILLER: Okay.

22 MS. GIRMA: Can I just say

1 something? Can I say something?

2 CHAIRPERSON MILLER: Okay.

3 MS. GIRMA: Yes, I wasn't there.

4 I was in the back. I had a little problem.

5 That I'm at fault. But what I wanted to say

6 was like the minor, which came to the store to

7 buy the liquor, she was holding her drink like

8 this and then when the girl asked her if it's

9 Arizona or Four Loko, Arizona. She said

10 Arizona, but that's Four Loko that cost \$3.

11 She sold her \$3 --

12 MS. PHILLIPS: You don't need to

13 hear her.

14 CHAIRPERSON MILLER: Let me --

15 MS. GIRMA: No, I just want --

16 it's not like we knew that is alcohol and we

17 sold it. No.

18 CHAIRPERSON MILLER: Right. Okay.

19 So --

20 MS. GIRMA: I accept this.

21 CHAIRPERSON MILLER: Okay. Well,

22 we are not -- you are not admitting. When you

1 enter into an offer in compromise, it's a
2 settlement. And so we are not making any
3 conclusions about --

4 MS. GIRMA: Okay.

5 CHAIRPERSON MILLER: -- what
6 happened or anything. Okay?

7 MS. GIRMA: Okay.

8 CHAIRPERSON MILLER: So I wasn't
9 sure where you were going, but --

10 MS. GIRMA: No, the --

11 CHAIRPERSON MILLER: But we
12 don't --

13 MS. GIRMA: -- warning kind of
14 like is it okay or can you dismiss the
15 warning?

16 CHAIRPERSON MILLER: No, we can't,
17 no.

18 MS. GIRMA: Okay.

19 CHAIRPERSON MILLER: One warning
20 had already been issued. So a warning is just
21 a warning.

22 MS. GIRMA: Okay.

1 CHAIRPERSON MILLER: So just to
2 make you aware.

3 MS. GIRMA: All right.

4 CHAIRPERSON MILLER: You know.
5 But next time you would get a penalty. So now
6 you are aware. Okay.

7 So we have an offer in compromise
8 on this case. It is basically for the \$350
9 penalty payable within 30 days. The warning
10 has already been issued and the other warning
11 is within the statutory scheme as well.

12 So I move that we accept this
13 offer in compromise. Do I have a second?

14 MEMBER BROOKS: Second.

15 CHAIRPERSON MILLER: Mr. Brooks
16 has seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those
20 opposed? All those abstaining? The motion
21 passes 6-0-0 to accept this offer in
22 compromise. Okay.

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MS. GIRMA: All right.

CHAIRPERSON MILLER: Thank you.

(Whereupon, the Show Cause
(Status) Hearing in the above-entitled matter
was concluded at 9:53 a.m.)

<p>A</p> <p>\$3 12:10,11</p> <p>\$350 8:10,16 9:10 11:9,15 14:8</p> <p>a.m 2:2 15:5</p> <p>ABC 1:12 10:21</p> <p>above-entitled 15:4</p> <p>abstaining 9:17 14:20</p> <p>accept 12:20 14:12 14:21</p> <p>Act 3:12,15</p> <p>actions 2:22</p> <p>adjudication 3:20</p> <p>admitting 12:22</p> <p>advice 3:18</p> <p>Age 1:11</p> <p>agenda 2:18</p> <p>agree 8:16</p> <p>agreeable 11:11</p> <p>agreed 8:9</p> <p>agreements 3:19</p> <p>Alberti 1:19 2:10 7:9,11,15,18</p> <p>alcohol 12:16</p> <p>Alcoholic 1:3,14,15 2:6</p> <p>ANC-1A 1:8 4:6</p> <p>approve 9:9</p> <p>Arizona 12:9,9,10</p> <p>Ascertain 1:11</p> <p>asked 12:8</p> <p>asking 7:15</p> <p>attendance 2:15</p> <p>attorney 3:17</p> <p>available 2:18</p> <p>avoid 3:4</p> <p>aware 2:19 14:2,6</p> <p>aye 9:14,15 14:17 14:18</p>	<p>2:6</p> <p>Board 1:3,15 2:6 3:14 8:8 9:6</p> <p>Brooks 1:20 2:10 2:11 14:14,15</p> <p>Building 1:15</p> <p>buy 12:7</p> <p>C</p> <p>calendar 2:17 4:1,3 7:21 8:3,4</p> <p>call 3:6 6:14 9:19</p> <p>called 10:18</p> <p>case 1:9,10 3:6,13 3:17 4:4,7 5:20 6:3,3,6,14 9:20 10:13,16 11:1 14:8</p> <p>cases 6:2,12</p> <p>Cause 1:7 4:2 15:3</p> <p>CC-00114 9:21</p> <p>cell 3:3</p> <p>certain 3:4</p> <p>Chair 5:21 8:19 10:14</p> <p>Chairperson 1:16 1:19 2:3,9 4:10,14 4:19,21 5:4,7,10 5:13,18 6:11,17 6:22 7:2,5,22 8:2 8:6,12,15,20,22 9:5,8,12,16 10:3,6 10:12 11:2,10,18 11:21 12:2,14,18 12:21 13:5,8,11 13:16,19 14:1,4 14:15,19 15:2</p> <p>changed 6:7</p> <p>charge 6:8,8 7:10 7:11,14 10:19 11:3,4,7,8,12,14 11:15</p> <p>charges 10:20</p> <p>closed 3:16</p> <p>Columbia 1:2 2:5 4:18</p>	<p>come 3:7 4:8</p> <p>compromise 8:8,16 9:3,10 11:12 13:1 14:7,13,22</p> <p>concluded 15:5</p> <p>conclusions 13:3</p> <p>consistent 3:14</p> <p>constitutes 2:16</p> <p>consult 3:17</p> <p>Control 1:3,14,15 2:6</p> <p>Copies 2:17</p> <p>correct 3:10 6:5 8:3 8:13</p> <p>correctly 10:18</p> <p>corresponds 7:21</p> <p>cost 12:10</p> <p>court 2:20</p> <p>D</p> <p>D.C 1:16</p> <p>days 8:10,17,18 9:10 11:9,16 14:9</p> <p>decision 3:19</p> <p>deliberate 3:19</p> <p>desk 2:19</p> <p>devices 3:3</p> <p>different 6:12</p> <p>discuss 3:18</p> <p>dismiss 13:14</p> <p>dismissed 11:5,13</p> <p>disruptive 2:22</p> <p>District 1:2 2:5 4:18</p> <p>document 5:15 10:8</p> <p>Donald 1:20 2:10</p> <p>drink 12:7</p> <p>Drinking 1:11</p> <p>Duty 1:12</p> <p>E</p> <p>E 1:6</p> <p>electronic 3:2</p> <p>ensure 3:10</p> <p>enter 3:15 13:1</p> <p>entering 9:2</p>	<p>evidence 5:17 10:11</p> <p>Exhibit 5:16 10:10</p> <p>F</p> <p>Failed 1:10</p> <p>failure 10:20</p> <p>far 2:9</p> <p>fault 12:5</p> <p>favor 9:14 14:17</p> <p>fine 8:9 11:8,15</p> <p>first 4:3 5:22 6:3</p> <p>forward 3:7 4:8</p> <p>Four 12:9,10</p> <p>G</p> <p>general 3:21</p> <p>girl 12:8</p> <p>Girma 4:9,13,16 5:2,3,6,9,12 8:10 8:21 9:4 10:2,5 11:11,17,20,22 12:3,15,20 13:4,7 13:10,13,18,22 14:3 15:1</p> <p>go-cup 6:8 7:11</p> <p>go-cups 1:9 7:10</p> <p>going 3:22 9:19 13:9</p> <p>good 2:3 4:8,9,19 4:20 7:18</p> <p>Great 7:12</p> <p>H</p> <p>happened 6:19 13:6</p> <p>hear 12:13</p> <p>hearing 1:7,15 2:17 3:1,13,17 5:8 9:2 11:19 15:4</p> <p>Hearings 4:3</p> <p>Hector 1:21 2:12</p> <p>holding 12:7</p> <p>I</p> <p>identification 5:16 10:9,21</p>	<p>identify 10:21</p> <p>immediately 2:12</p> <p>interchangeably 6:13,16</p> <p>interruption 3:5</p> <p>introduce 4:22</p> <p>issued 11:14 13:20 14:10</p> <p>J</p> <p>James 1:21 2:14</p> <p>joining 2:9</p> <p>K</p> <p>K 1:6</p> <p>Kebedsha 5:2</p> <p>kind 13:13</p> <p>knew 12:16</p> <p>know 6:15 10:22 14:4</p> <p>L</p> <p>left 2:13</p> <p>legal 1:11 3:18</p> <p>License 1:8</p> <p>liquor 12:7</p> <p>little 12:4</p> <p>LLC 1:6</p> <p>located 4:5</p> <p>Loko 12:9,10</p> <p>Louise 1:23 4:17</p> <p>M</p> <p>ma'am 5:9 8:14,21 10:5</p> <p>Madam 5:21 8:18 10:14</p> <p>making 13:2</p> <p>Manager 1:12 10:22</p> <p>marked 5:15 10:9</p> <p>Market 1:7 4:5 5:3 6:4 9:20</p> <p>matter 1:5 5:22 15:4</p> <p>matters 5:19 10:13</p> <p>meeting 1:4 2:5</p>
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